

Ruchell Cinque Magee
3A5-142 #A92051
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FILED
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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

TEH

U.S. DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

In Re:

CV NO. 08

3754

RUCHELL CINQUE MAGEE

On Habeas Corpus

APPLICATION FOR CLEARANCE

(PR)

Pursuant to 28 U.S.C. § 1651, the petitioner ask
Clearance on right to be heard by writ of habeas Corpus
based on facts and newly evidence of jury acquittal, never
denied by the government.

On May 2, 192005, the U.S. District Court, Northern
District Of California Ordered the granting of Clearance-
Vacating its gag rule of May 10, 1995, based on the gag
rule or pre-filing order violated the United States
Consitution (In re RUCHELL CINQUE MAGEE, NO.C-05-80291 MISC
(N.D. CAL., May 2, 2005).)

Habeas Corpus herewith reflect jurors Affidavit's
declaring acquittal by twelve agreeing that the petitioner
was found not guilty of violating Pc 209 (kidnapping for

1 purpose of extortion.)

2 Clearance is necessary, because previous judge's
3 shifted their attention from the jury acquittal, to
4 the May 10, 1995 pre - filing order, opposing to the
5 acquittal heard by a hearing judge. (See decision
6 maintaining May 10, 1995 gag rule, In re Ruchel Cinque
7 Magee, NO. C05-1819 TEH (PR), N.D. Cal. 5/23/05).
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9 By maintaining the said pre-filing order,
10 some judge's are undermined to believe that the petitioner
11 have to obtain permission from the 9th Circuit Court of
12 Appeals, because the pre-filing order bring in the
13 Anti-writ of habeas corpus (28 U.S.C. § 2244(b)(3)(A).

14 Clearance reopening of the decision
15 In re RUCHELL CINQUE MAGEE, NO. C-05-80291, MISC VRW, Supra,
16 -----
17 will produce jury acquittal . The acquittal will bring
18 to law argument 18 U.S.C. § 3731, statute: " Government
19 have no jurisdiction to apply gag rule's in the case of
20 acquittal."

21 Clearance will make plain the illegality of
22 the May 10, 1995 pre-filing order in this matter.
23 WHEREFORE, petitioner request the court to reopen its
24 decision C-05-80291 MISC VRW, Supra, in order that Habeas
25 Corpus may proceed forward before a hearing judge with
26 respect for the jury system.

27 I certify under penalty of perjury the foregoing is true
28 and correct to the best of my knowledge and belief.

Dated: July 28, 2008

Ruchel Cinque Magee
RUCHELL CINQUE MAGEE